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NICHOLAS B. DELIA

7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 NICHOLAS B. DELIA,

11 Plaintiff,

12 vs.

13
14
15 CITY OF RIALTO, A Public Entity;
CITY OF RIALTO FIRE
16 DEPARTMENT, A Public Agency;
STEPHEN C. WELLS, Individually
17 and as the Fire Chief for the City of
Rialto; MIKE PEEL, Individually and
18 as a Battalion Chief for the City of
Rialto; FRANK BEKKER, Individually
19 and as a Battalion Chief for the City of
Rialto; STEVE A. FILARSKY,
20 Individually and as an Internal Affairs
Investigator for the City of Rialto; and
21 DOES 1 THROUGH 10 INCLUSIVE;

22 Defendants.

) Case No.: CV 08-03359 R-PLAx

) *Honorable Manuel L. Real*

) **NOTICE OF APPEAL TO THE**
) **UNITED STATES COURT OF**
) **APPEAL FOR THE NINTH**
) **CIRCUIT**

23 **TO THE COURT:**

24 Plaintiff NICHOLAS B. DELIA hereby appeals to the United States Court
25 of Appeal for the Ninth Circuit from the final judgment of the District Court,
26 entered in this case on March 9, 2009.

27 //

28 //

1 Date: 4/3/09

Respectfully submitted,

LACKIE DAMMEIER & MCGILL APC



Michael A. McGill, Esq.

Sanjay Bansal, Esq.

Attorneys for Plaintiff,

NICHOLAS B. DELIA

PROOF OF SERVICE

I declare that I am over the age of eighteen (18) and not a party to this action. My business address is 367 North Second Ave., Upland, California 91786.

On **April 3, 2009** served the following **NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT; REPRESENTATION STATEMENT** on the interested parties in this action by placing a true and correct copy of each document thereof, enclosed in a sealed envelope addressed as follows:

<i>Attorney for Defendant City of Rialto, et al.</i>	<i>Attorney for Defendant Steve A. Filarsky</i>
Howard B. Golds, Esq.	Jon H. Tisdale, Esq.
BEST BEST & KRIEGER, LLP	GILBERT, KELLY, CROWLEY & JENNETT, LLP
3750 University Avenue, Suite 400	1055 West Seventh Street, Suite 2000
P.O. Box 1028	Los Angeles, California 90017
Riverside, CA 92502-1028	Tel.: (213) 615-7000
Tel.: (951) 686-1450	Fax: (213) 615-7100
Fax: (951) 686-3083	

☒ I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date in the United States mail at Upland, California.

☐ By Personal Service, I caused such envelope to be delivered by hand to the above addressee(s).

☐ By overnight courier, I caused the above-referenced document(s) to be delivered to an overnight courier service (UPS), for delivery to the above addressee(s).

☐ By facsimile machine, I caused the above-referenced document(s) to be transmitted to the above-named persons(s) at the above telecopy number:

Executed **April 3, 2009** at Upland, California.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


ROSEANNA RODRIGUEZ